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LETTER DATED 9 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that pursuant to the judgment on the territorial dispute between Chad and the Libyan Arab Jamahiriya over the "Aouzou Strip" handed down by the International Court of Justice on 3 February 1994, the Government of Chad has made approaches to the Libyan authorities with a view to determining the procedure for the withdrawal of the Libyan troops and authorities from this region of Chad.

In this connection the President of the Republic of Chad, His Excellency Colonel Idriss Deby, has sent a number of messages to His Excellency Colonel Muammar Qaddafi, the Leader of the Libyan Revolution. In the messages the Head of the Chadian State proposed that the Ministers for Foreign Affairs of Chad and the Libyan Arab Jamahiriya should meet to discuss the procedure for implementing the Judgment of the Court.

In response to these initiatives, a Libyan delegation headed by the Secretary for Foreign Liaison and International Cooperation, and including the Secretary for the Armed Forces, visited N'Djamena from 4 to 6 March 1994.

The talks held by the two delegations did not come to a successful conclusion owing to the attitude of the Libyan Arab Jamahiriya, which refuses to draw appropriate conclusions from the judgment of the Court, even though the highest authorities of that country claim to have "accepted" the judgment. No date, much less any timetable, has been put forward for the withdrawal of the Libyan Arab Jamahiriya from the territory, Chad's ownership of which has just been confirmed by the Court.

The Libyan delegation having blocked the negotiations by advancing unacceptable conditions and prerequisites, the talks have had to be suspended.

Nevertheless the Government of Chad is concerned over the behaviour of the Libyan authorities which, following the issuance of the judgment, have concentrated troops in the "Aouzou Strip" and carried out mass arrests and expulsions of Chadians living in the Libyan Arab Jamahiriya (the first victims arrived in Ounianga at the end of last week).

Despite these provocations, Chad, which has remained faithful to its commitments and the principles of the Charter of the United Nations, intends to continue to seek a dialogue in order to restore its full sovereignty over Aouzou.

Accordingly, the Chadian Government does not consider the adjournment of the talks to be final. The Government hopes to resume the talks, either directly or under the auspices of the Security Council or the Secretary-General of the United Nations.

Nevertheless this willingness to engage in dialogue does not imply any lack of determination on the part of Chad to recover its rights. Accordingly Chad reserves the right to refer the matter to the Security Council in accordance with Article 94, without prejudice to other relevant provisions of the Charter.

Meanwhile I transmit annexed hereto the text of the messages exchanged between the Heads of the Chadian and Libyan States.

I should be grateful if you would have this letter and its annexes issued as an official document of the Security Council and included in the Chad-Libyan Arab Jamahiriya dossier, which remains before the Council.

(Signed) Laoumaye Mekonyo KOUMBAIRIA
Ambassador
Permanent Representative

Annex I

Letter dated 5 February 1994 from the President of the Republic of Chad addressed to the Leader of the Libyan Revolution

Following the issuance of the judgment on the boundary dispute by the International Court of Justice, I wish to assure you that the people and Government of Chad see in this decision not the victory of one party over the other but the triumph of law.

In concluding the Algiers Framework Agreement of 31 August 1989 and then referring the matter to the Court and solemnly submitting to it their legal arguments, our two countries have demonstrated their confidence in law and justice.

I am certain that our countries will demonstrate the same wisdom in implementing the judgment of the Court, which, I am convinced, will mark not only the end of a dispute that has continued for too long but the onset of a new era of confidence and friendship between the peoples of Libya and Chad.

Annex II

Message transmitted to the Head of State by the Libyan Emissary

Your message has reached us, and we accept the terms of its contents. However, we have learned that instructions and orders have been given for the declaration of a maximum alert plan in the ranks of the Chadian Armed Forces and for their mobilization in several locations to the north of Chad. We are amazed at these reports. If that is confirmed, we register a fraternal protest for the following reasons:

(a) The judgment of the Court has not yet officially reached us so as to enable us to take cognizance of its content, its details, its main points, the terms of its implementation, etc.;

(b) Once the judgment is received, I believe that its implementation should be carried out gradually in a legal manner and organized so that there is, officially, an acceptance and a restitution, with follow-up of the plans of the 1955 agreements. After that, there would be a delimitation of the boundaries between the two countries. All that would require lengthy procedures.

I hope that we are not victims of United States-Western propaganda, letting it incite us to mobilize our troops on either side in order to fulfil their wish. Sincerely, the problem does not require any mobilization of troops; otherwise, we should not have gone to the International Court of Justice. The deployment of troops on either side renders the Court's judgment meaningless. The two parties have waited a long time, so why not remain patient for the rest of the duration and await the sound and just secondary procedures of the judgment?

For our part, when we learned that you had deployed your Forces and put them on maximum alert, we forbade our military commands to mobilize, go on a state of alert or even conduct flights in the region. When the forces that were in the region learned of the deployment of your forces, they wanted to deploy likewise, but we energetically prevented them, because this method is not the best, since it annuls the judgment of the Court and renders it obsolete, which brings us back to point zero. Since the implementation is not to be effected by force, it is, on the contrary, optional and non-binding.

There are thousands of Chadians who have come to Libya because of Aouzou but also other Chadians who have come to Libya because of conflict and civil wars in the past. How can their return be organized?

We call on President Idriss Deby to submit an official and urgent request to the United States of America for the return of the Libyan detainees kidnapped in Chad in 1990, especially since referral of the case to the Court was conditioned by and linked to the problem of the Libyan prisoners kidnapped in Chad.

Annex III

Letter dated 14 February 1994 from the President of the Republic of Chad addressed to the Leader of the Libyan Revolution

On 8 February, Colonel Abderahman Assaid delivered your message to me. I am very grateful to you but should point out that we are not in a position to share certain of the views expressed in it.

Firstly, I wish to give you my formal assurance that the Republic of Chad has not undertaken any mobilization of troops and that the troops have certainly not been put in a state of alert. I cannot, however, conceal from you our anxiety regarding consistent reports that have reached us about new concentrations of Libyan troops in the territory which, by its judgment of 3 February, the International Court of Justice recognized as belonging to Chad. In this regard, I entirely agree with your analysis, according to which the definitive solution of the problem decided by the Court should clearly not cause our two fraternal peoples to resort to arms.

My country cannot, however, compromise with regard to its sacred rights as recognized by the Hague Court. It is a question of its sovereignty, its territorial integrity and its honour, and I cannot in this regard accept the opinion that the implementation of the judgment of the Court is optional and non-binding.

On the contrary, it is clear from Article 94 of the Charter of the United Nations that every State Member of the Organization "undertakes to comply with the decision of the International Court of Justice in any case to which it is a Party"; and this is confirmed by Articles 59 and 60 of the Statute of the Court, with no particular formality being required. I must, in particular, draw attention to Article 94 of the Rules of the Court, which provides that a judgment "shall become binding on the parties on the day of the reading", without any formal notification being provided for. Moreover, a copy bearing the seal of the Court was delivered to the Libyan party, as well as to the Chadian party, on the day on which the judgment was read at a public sitting of the Court on 3 February 1994.

You mentioned in the message transmitted to me by Colonel Abderahman Assaid a number of problems that you described as pending between our two countries. Although, in the view of my Government, these questions have, in fact, long since been resolved, the Chadian authorities are, of course, ready to discuss them with the competent Libyan authorities, for no subject is taboo between two fraternal peoples.

The judgment of the Court, by putting an end to the dispute between our two countries, will open the way to a mutually fruitful cooperation that should be exemplary.

For the present, I believe that it would be premature to envisage the precise modalities of such cooperation. However, I suggest that, as soon as Chad has recovered its effective sovereignty over the whole of its territory, we may open negotiations to that end.

We cannot disregard that fact that the implementation of the judgment of the Court may present certain practical problems of detail, but, as you yourself stressed in your message, the settlement does not require lengthy procedures.

In a spirit of cooperation and mutual trust, I therefore propose to you that the Ministers for Foreign Affairs of our two countries should meet in the near future with a view to settling, within a matter of weeks, the few problems resulting from the judgment of the Court and determining the modalities of its execution.

That will place the seal on the definitive reconciliation between our two peoples and usher in the era of trusting and friendly relations for which I expressed my wish in my message of 4 February, a wish that I cordially renew.

(Signed) Colonel Idriss DEBY

Annex IV

Letter dated 26 February 1994 from the President of the Republic of Chad addressed to the Leader of the Libyan Revolution

I am pleased, first of all, to transmit to you my most fraternal greetings and to affirm once again all the consideration and esteem that the Chadian people harbours towards your country and your people.

In fact, Chad and Libya, which share a common destiny, have already developed and been able to maintain fruitful relations of friendship and cooperation and to cultivate a constant dialogue in the service of rapprochement between our peoples, African unity and peace and stability in the region.

In this regard, the judgment of the International Court of Justice rendered on 3 February will open new perspectives. In the spirit of my message of last week, I have the pleasure to renew my proposal for a meeting of Ministers of Foreign Affairs in order to study the modalities for the implementation of the judgment. If this proposal meets with your consent, as I hope it may, I suggest that this meeting be held on Tuesday, 1 March 1994, at N'Djamena.

(Signed) Colonel Idriss DEBY